

// A special meeting of the Council of the City of Lynchburg, recessed from May 13, was held on the 27th day of May, 2003, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items.

The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson

6

Absent: Garber

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// Ms. Judy Wiegand, Senior Planner, provided an update regarding the draft Tyreeanna/Pleasant Valley Neighborhood Plan, as previously furnished to City Council. Ms. Wiegand's presentation focused on the first five major neighborhood issues, including the possible short-term as well as long-term solutions. Following the presentation, City Manager Kimball Payne stated that staff would proceed along the lines as outlined in the draft Plan. Mr. Payne also noted that staff would include in the Sewer Master Plan options for providing sewer service to sections of the Tyreeanna/Pleasant Valley neighborhood including the costs associated with each option.

// Ms. Gaynelle Hart, Director of Buildings and Grounds, provided an overview regarding a proposed West Nile Virus Control Plan, as developed by City staff in partnership with the Lynchburg Health Department and the Lynchburg Cooperative Extension Office. Ms. Hart explained that staff is requesting \$12,134 for implementation of the surveillance and larvicide program as outlined in the Plan. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-100, as presented, appropriating \$12,134 for implementation of the surveillance and larvicide program as outlined in the West Nile Virus Control Plan:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson

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Noes:

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Absent: Garber

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// Municipal staff provided an update regarding the final Traffic Control Plan for street closures and traffic detours related to the Ninth Street improvement projects that will be active during the next 12-18 months. Following the presentation, City Manager Kimball Payne stated that since City Council was generally receptive to the concept of granting some type of business license tax relief to certain downtown businesses affected by the closure of the Ninth Street/Main Street intersection, staff would look at various options and present those options to City Council at the June work session and prior to the closure of any streets.

// City Manager Kimball Payne along with Building Commissioner Karl Cooler presented an update and requested guidance regarding implementation of the changes to the Rental Inspection Program adopted by City Council in February. Mr. Payne explained that staff believes that the first steps should be a review of the ordinance with respect to the objections that lead to House Bill 1678, a discussion with local landlords regarding their concerns, and a possible amendment to the fee set in the ordinance. Following discussion, Council Member Adams made a motion, seconded by Vice Mayor Dodson, to move forward with the recommendation by staff to meet with local landlords and to proceed with a July 1 implementation

of the changes to the Rental Inspection Program, and Council by the following recorded vote approved the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson	6
Noes:	0
Absent: Garber	1

// Ms. Lynn Watson, Utility Billing Supervisor, presented an overview regarding a draft Water/Sewer Leak Adjustment Policy, as previously furnished to City Council. Ms. Watson explained that the policy would discontinue utility bill adjustments for toilet leaks and offer more stringent guidelines for service line leaks. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Water/Sewer Leak Adjustment Policy, as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson	6
Noes:	0
Absent: Garber	1

In response to questioning, City Council agreed that City Manager Kimball Payne could make minor changes to the policy but that any substantial changes would be brought back to City Council. Ms. Watson then provided an overview regarding proposed revisions to the City Code to allow for fees to be assessed regarding illegal water usage. Following discussion, it was the consensus of City Council to schedule this item for formal consideration at an upcoming Council meeting.

// Solid Waste Director David Owen presented an update regarding proposed changes to the City Code to implement the changes to the Solid Waste services, fees and payment methods as previously approved by City Council. In response to Council Member Adams question regarding future development in the Tyreeanna/Pleasant Valley area, City Manager Kimball Payne stated that only those properties developed as of July 1 would be eligible for the free trash decal. City Council discussed a request from the small private trash haulers to be given the same rate as the large trash haulers, and asked that staff develop standards for the small private trash haulers for consideration at a future meeting. Acting Budget Director Donna Witt presented an update regarding the proposed changes to the City's billing system and Communications and Marketing Director JoAnn Martin presented an update regarding the public information campaign to educate the citizenry regarding the solid waste changes.

// City Manager Kimball Payne presented the recommendations of the Deer Management Ad hoc committee regarding possible changes to the City's deer management efforts in light of recent experience and the change to the State Code allowing the issuance of kill permits for damage to ornamentals/landscaping. Mr. Payne explained that staff would move forward with the recommendations. // City Council discussed the allocation of FY 2004 General Fund Reserve for Contingencies funds for use by the City Manager for special and extraordinary purposes, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-101, as presented, appropriating \$50,000 within the FY

2004 General Fund Reserve for Contingencies to be used at the discretion of the City Manager for special and extraordinary purposes:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson 6

Noes: 0

Absent: Garber 1

// During roll call, and at the request of Council Member Foster, City Manager Kimball Payne presented a brief update regarding the new Federal Courthouse Project. Council Member Barksdale expressed concern and questioned if anything could be done regarding individuals “hanging” outside of area convenience stores in public rights-of-way. Mayor Hutcherson inquired as to how often traffic signals are checked by City staff, and Vice Mayor Dodson reported large pot holes in Seventh Street between Church and Main Streets.

// The meeting was adjourned at 4:28 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of May, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the May 13, 2003 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-03-075 appropriating \$3,500, fully reimbursable, for selective enforcement/traffic safety activities, laid over from the May 13, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police – Emergency Preparedness, Resolution #R-03-076 appropriating \$17,167, fully reimbursable, for the funding of local preparedness emergency planning, laid over from the May 13, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-03-077 appropriating \$43,157 for the purchase of Mobile Data Manager software, six slate laptop computers, and accessories to provide for electronic transfer of emergency medical service transport data into the Fire and EMS Department's ambulance billing system, laid over from the May 13, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - General, Resolution #R-03-078 appropriating \$3.2 million, Section 108 Loan Guarantee Funds, and \$.8 million, Economic Development Incentive Grant Funds, fully reimbursable, for the BluffWalk project, laid over from the May 13, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Budget, Resolution #R-03-083 appropriating supplemental funds for both the City Capital and Operating Budgets for the twelve month period beginning July 1, 2002 and ending June 30, 2003, laid over from the May 13, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-102, as presented, appropriating \$22,125, fully reimbursable, to enhance emergency medical services training, equipment and supplies:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Finance - Bonds, City Council Report #8 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-03-103, as presented, amending Resolution No. 02-016 entitled "A Resolution authorizing the City of Lynchburg, Virginia, to contract a debit in the Principal amount of not to exceed Three Million Two Hundred Thousand Dollars (\$3,200,000) in connection with the financing of costs related to the Bluffwalk Center Riverfront Development Project in the City", adopted by the Council on January 29, 2002:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// On behalf of City Council, Mayor Hutcherson and Vice Mayor Dodson congratulated and presented certificates to the Heritage High School Football and Track Teams.

// In the matter of Schools - General, a second public hearing was held to receive the views and/or nominations of the citizens of Lynchburg concerning Council's appointments or re-appointments for three positions on the Lynchburg School Board, one from each school district. At the request of Mayor Hutcherson, the Clerk read into the record the names of those individuals who have volunteered since the May 13 public hearing: District 2: Latanya Carter, Atul Gupta and Nancy Young; District 3: Albert Billingsley, Bruce Carey and Charles Ferguson. There was no one present who wished to speak to this item. Mayor Hutcherson announced that appointments to the School Board would be made in June.

// In the matter of City Council, Mr. Phil Theisen, President of the Lynchburg Depressive Disorders Association, Inc., spoke regarding City Council's decision not to provide funding to the Alliance for Families and Children. Mr. Theisen suggested that it would be in the public's interest to request a Virginia Attorney General's opinion concerning Council Member Foster's participation regarding funding to non-profit agencies.

// In the matter of FY 2004 Budget, Budget Ordinance #O-03-084 adopting the FY 2004 Proposed General Fund Operating Budget (excluding Civic, Community and Regional expenditures) and appropriating the

sums for the General Fund Operating Budget, laid over from the May 13, 2003 meeting, was again presented and read. Mayor Hutcherson informed City Council that Ms. Carico has requested to speak regarding the budget, and Council agreed to let her speak. Ms. Julie Carico, speaking on behalf of the Alliance for Families and Children, provided information regarding the importance of the Child Care Resource Center and asked that City Council reconsider its decision not to include funding in the FY 2004 Budget for the Alliance for Families and Children – Child Care Resource Center and the Partnership for Prevention of Drug Abuse. Vice Mayor Dodson asked that staff track the revenue from the 20-cent increase in the tobacco tax and to provide City Council with quarterly reports regarding the revenue generated from this increase. On motion of Council Member Seiffert, seconded by Council Member Adams, Council by the following recorded vote adopted Budget Ordinance #O-03-084, as amended, adopting the FY 2004 Proposed General Fund Operating Budget (excluding Civic, Community and Regional expenditures):

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson 6

Noes: Garber 1

On motion of Council Member Adams, seconded by Vice Mayor Dodson, Budget Ordinance #O-03-085 adopting the FY 2004 Proposed Mandated and Contractual portions of the Civic, Community and Regional Budget and appropriating \$5,419,666 for this budget, laid over from the May 13, 2003 meeting, was again presented and read, and Council by the following recorded vote adopted the Ordinance:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Adams, seconded by Council Member Barksdale, Budget Ordinance #O-03-086, Budget Ordinance #O-03-087, Budget Ordinance #O-03-088, Budget Ordinance #O-03-089, Budget Ordinance #O-03-090, Budget Ordinance #O-03-091, Budget Ordinance #O-03-092, Budget Ordinance #O-03-093 and Budget Ordinance #O-03-094, appropriating sums to certain FY 2004 Civic, Community and Regional organizations, laid over from the May 13, 2003 meeting, was again presented and read, and Council by the following recorded vote adopted the Budget Ordinances:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Adams, seconded by Vice Mayor Dodson, Budget Ordinance #O-03-095, as revised, adopting the FY 2004 Proposed Budget for the remaining funds and appropriating the sums for each fund, laid over from the May 13, 2003 meeting, was again presented and read, and Council by the following recorded vote adopted the Budget Ordinance:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

Budget Ordinance #O-03-096 adopting the Community Development Block Grant (CDBG) Fund Budget and appropriating \$1,187,982 for this budget, laid over from the May 13, 2003 meeting, was again

presented and read. Council Member Foster stated that she would abstain because the Alliance for Families and Children receives CDBG funding. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Budget Ordinance #O-03-096, as presented:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert, Hutcherson	6
Noes:	0
Abstention: Foster	1

On motion of Council Member Foster, seconded by Council Member Seiffert, Ordinance #O-03-098 appropriating the sums for the first year of the FY 2004 – 2009 Capital Improvements Program (CIP), laid over from the May 13, 2003 meeting, was again presented and read, and Council by the following recorded vote adopted the Ordinance:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// Following adoption of the FY 2004 Budget, Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to amend the FY 2004 Budget of Civic, Community and Regional expenditures to include \$25,000 for the Alliance for Families and Children – Child Care Resource Center and \$19,200 for the Alliance for Families and Children – Partnership for Prevention of Drug Abuse, with the necessary funds to be taken from the Undesignated Fund Balance. Council Member Seiffert stated that he would vote against the motion because he does not believe the motion is appropriate and that it seeks to go around the budget process. Council Member Seiffert went on to say that his vote is not a vote against the Alliance but a vote against the process. Other Council Members spoke in support of funding these two programs and stressed the importance of the programs to the community. The vote was called on the motion, and Council by the following recorded vote defeated the motion:

Ayes: Barksdale, Dodson, Hutcherson	3
Noes: Adams, Garber, Seiffert	3
Abstention: Foster	1

// The meeting was adjourned at 5:36 P.M.

Clerk of Council